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SERVICE DATE - APRIL 30, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub. No. 411X)

**Burlington Northern and Sante Fe Railway Company – Abandonment Exemption –
in Lawrence County, AR**

BACKGROUND

In this proceeding, The Burlington Northern and Sante Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon a 6.70 mile rail line located in Lawrence County, Arkansas. The line consists of two segments, a 4.50 mile rail spur located between milepost 397.78 in Hoxie, Arkansas to milepost 402.28 in Walport, Arkansas; and the 2.20 mile Walnut Ridge Industrial Spur. A map depicting the entire rail line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to BNSF, the right-of-way for the line proposed for abandonment was initially acquired by the Hoxie, Pocahontas, and Northern Railroad Company (HP&N) in 1896. HP&N preceded The Saint Louis San Francisco Railway Company (SLSF) which merged with The Burlington Northern Railroad (BN) in 1980. In 1995, BNSF was formed as a result of the merger between BN and The Atchison Topeka and Sante Fe Railway Company (ATSF). BNSF states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to BNSF, the line passes through a rural farming area that includes prime farmland. The right-of-way width is 50 feet on each side of the main track centerline. BNSF has received an inquiry about public use of the right-of-way underlying the line segment to be abandoned. In a letter to BNSF, the City of Walnut Ridge has indicated that the Walnut Ridge/Lawrence County Chamber of Commerce is organizing an effort to convert the area into a walking and biking trail. BNSF has indicated that for part of the properties involved, title considerations may affect the conveyance of land for purposes other than railroad uses. Where BNSF does not own the right-of-way, the owner, local zoning, and development ordinances will control future land use.

Based on information in the possession of BNSF, the line does not contain any federally granted rights-of-way.

BNSF records show two bridge structures in the immediate area of the abandonment, both of which were built in 1924. The rail line crosses Village Creek and several other streams and passes through the 100-year flood plains associated with these streams. BNSF states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent farmlands are expected in connection with the proposed abandonment.

ENVIRONMENTAL REVIEW

BNSF submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey has advised us that four geodetic station markers have been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that may disturb or destroy these markers.

According to the United States Department of Agriculture, the rail line is located in an area of prime farm land. However, they do not believe that the proposed abandonment activities will have any effect on the farmlands.

The Arkansas Department of Environmental Quality has stated that a storm water permit is required for any construction site that disturbs one or more acres of land area. We will recommend a consultation condition requiring that BNSF contact the Arkansas Department of Environmental Quality prior to any salvage activities on this project to evaluate the need for any water quality permitting requirements.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on The Department of Arkansas Heritage (SHPO) pursuant to 49 CFR 1105.8 ©). The SHPO states that there are nine archaeological sites (3LW101, 3LW357, 3LW358, 3LW363, 3LW364, 3LW365, 3LW375, 3LW558, and 3LW718) and three standing structures (LW0037 - Missouri Pacific R.R. Depot, L W0064 - Johnson

Motor/Travel Court and LW0076 - Little's Bait Shop) located near the line proposed for abandonment. Of the above sites, three archaeological sites (3LW358, 3LW363, 3LW364) and two structures (LW0037 and LW0064) are located directly beside the line. Only LW0037 has been determined eligible for the National Register of Historic Places (National Register). In addition to the above sites, two wooden bridges constructed in 1924 are located within the area of the proposed abandonment. The SHPO states that neither bridge is eligible for the National Register.

The SHPO has indicated that the abandonment activities will have no effect on historic properties if the three archaeological sites (3LW358, 3LW363, and 3LW364) and two structures (LW0037 and LW0064) are avoided during project implementation. Although the SHPO can provide BNSF with the location of the standing structures, the locations of the archaeological sites must be determined by a professional archeologist. The SHPO thus recommends that a professional archeologist confirm the archeological site locations so that they can be avoided prior to the start of salvage activities. We have included a condition below to govern the completion of the Section 106 process.

CONDITIONS

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified four geodetic station markers that may be affected by the proposed abandonment. Therefore, BNSF shall notify NGS 90 days prior to salvage activities in order to plan for their relocation.
2. The Department of Arkansas Heritage (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, we recommend that the BNSF shall retain its interest in and take no steps to alter the historic integrity of all sites and structures that are 50 years or older until completion of the Section 106 process of the National Historic Preservation Act, 16. U.S.C. 470f.
3. To address the concerns raised by the Arkansas Department of Environmental Quality, BNSF shall, prior to commencement of any salvage activities on this project, contact the Arkansas Department of Environmental Quality, concerning possible impacts on water quality and any water quality permitting requirements.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub No. 411X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov

Date made available to the public: April 30, 2004.

Comment due date: **May 17, 2004 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

